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AN INDEX OF FEDERAL LEGISLATION FOR THE CONTROL OF HAZARDOUS/ TOXIC SUBSTANCES

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ABSTRACT. Considerable legislation has been passed, particularly over the past decade, to control the hazardous/toxic substances released into our environment from man-made sources. This report indexes the 42 major federal legislative acts that have been passed with this aim. They are presented in six categories: multi-media (combination of media), air, water, land, noise, and food. The title, public law numbers, United States Code, purpose, and federal agency(s) responsible are given for each act.

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Our modern, industrialized society has introduced vast numbers of hazardous/toxic substances into the environment, endangering all spheres of life. Numerous federal legislative acts have been passed to restrict or eliminate the amount of hazardous/toxic substances entering our environment. Food was one of the first areas to be regulated when Congress in 1938 passed the Federal Food, Drug, and Cosmetic Act. In the late 1960's and in the 1970's the National Environmental Policy Act, the Clean Air and Water Acts, and others were enacted in an effort to bring the threat of hazardous/toxic substances under control. Every industry and every private citizen has felt their restraint and experienced some benefit.

Each year has seen the passage of more environmental regulation as public consciousness has grown. Regulatory emphasis has shifted from the control of traditional pollutants to more hazardous/toxic pollutants. The federal legislative acts provide mechanisms for controlling either specific compounds or broad categories of pollutants. In most cases, specific pollutants or specific sources to be controlled are subject to the discretion of the federal agency involved. The number of federal agencies responsible has increased considerably. In addition, states and foreign countries have initiated their own environmental programs.

The growing number of environmental laws are

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becoming increasingly difficult for the administrator, scientists, or private citizen to survey. Such major acts as the Clean Air Act, Federal Water Pollution Control Act, Toxic Substances Control Act, and Occupational Safety and Health Act are generally known. The other acts, however, are not generally known to concerned citizens in the public and private sectors, but rather to specialists and lawyers in the respective fields. Some journals have published helpful but limited overviews. In addition, numerous books have been published on environmental legislation. Some of the more recently published articles and books are listed in the bibliography.

This index cuts across disciplines and areas of specialty to provide the first quick guide to all environmental acts and amendments that impact on controlling hazardous/toxic substances* through policy, planning, or regulatory action. Each of the 42 federal legislative acts is indexed in uniform format: The title, public law (PL) numbers, United States Code (USC) (or other appropriate reference), purpose, and federal agency(s) responsible are given for each act. The public law numbers may be better known for the more general laws, but reference to the USC assures that one has the complete law since the USC is continually updated. For easier referral, the acts have been divided into six categories: multimedia, air, water, land, noise, and food.

For this series, hazardous/toxic substances do not include such items as alcohol, fire arms, and automobiles. The summary is limited primarily to those substances that are predominantly man-made and are introduced into the environment.

MULTI-MEDIA

The pervasive character of hazardous/toxic substances pollution is reflected in many of the major legislative acts. The 10 acts listed in Table 1 address pollution that spans a number or all of the media. In this multi-media category, the Interagency Regulatory Liaison Group and the Common Law of Nuisance are not federal legislative acts, but are included in this report due to their regulatory significance.

AIR

Air quality remains a major national environmental concern. The 1977 amendments to the Clean Air Act have set new deadlines for cleaning up polluted areas, adding protection for clean air areas, and reviewing existing air quality standards. The energy crunch, however, is causing some suspension of certain air pollution requirements. The utility companies in particular are searching for alternative and hopefully non-polluting fuel sources. Four major pieces of legislation concerning clear air and energy are listed in Table 2.

WATER

The control of water quality requires a wide range of legislation, as water quality must be judged by many variables for many purposes. Thirteen acts, involving 10 federal regulatory agencies, all concern themselves with this issue (Table 3).

LAND

Eight federal legislative acts have been passed to protect the land from mining operations, waste disposal, pesticide use, transportation of hazardous/toxic substances, etc. Seven agencies regulate these acts (Table 4).

NOISE

Four acts deal with noise pollution, particularly in connection with air travel. Four regulatory agencies are directly involved (Table 5).

FOOD

The Food, Drug, and Cosmetic Act has had extensive impact on all our lives since 1938 and continues to do so. Other legislative acts have been passed as a result, including the Lead-Based Paint Poisoning Act. Several acts related to the Food Safety and Quality Service have been grouped in Table 6. The Department of Agriculture, Department of Health and Human Services, and the Environmental Protection Agency are the responsible organizations.

SUMMARY

For further information on the federal legislative acts, refer to the law** itself or contact the appropriate agency. It will help to know that each federal legislative act usually covers four main points: (1) The national goal concerning the pollutant is stated, specifying the development of national environmental criteria, limits, or standards; (2) The basis is laid for the development of related technology and operational standards to implement the said goal; (3) Enforcement practices are outlined at the federal, state, and local levels; and (4) The imminent hazards of the hazardous/toxic substances under consideration are discussed.

*In order to present a comprehensive index, the author has taken a very broad interpretation of the term "hazardous/toxic substances" (for example, noise is included) and a very broad interpretation of "entering our environment" (for example, food is also included).

**Copies of these federal legislative acts can be obtained from: EPA Legislative Library, A-102, 401 M Street, SW, Washington, DC 20460. (202)755-2557 Request should indicate PL number and "all subsequent amendments."

Pamphlets explaining the laws administered by EPA can be obtained from EPA Office of Legislation, A-102 ATTN: Joan Platten, 401 M Street, SW, Washington, DC 20460. (202) 755-0484.

At the federal level, the legislative acts appear to cover all possible modes of entry of substances hazardous/toxic to man and his environment. The development of specific regulations over the next three to five years presents a challenge to the various federal agencies. The continuing awareness of the regulations proposed by these federal agencies in the Federal Register will be a formidable task for the general public as well as for those of us who are concerned with the control of hazardous/toxic substances at the federal, state, and local levels, in private industry, and in academia.

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TABLE 1
Multi-Media Environmental Acts

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organization
Atomic Energy	Atomic Energy Act of 1954, PL 83-703, August 30, 1954, Amended by PL 88-489, August 26, 1964, and numerous other times.	42 USC 2011 et seq.	Establish government control of possession, use, and production of atomic energy and special nuclear material . . . to make the maximum contribution to the common defense . . . and the national welfare. Encourage related research and development.	Nuclear Regulatory Commission Environmental Protection Agency
Hazardous Substances	Federal Hazardous Substances Act of 1960, PL 86-613, July 12, 1960, Amended numerous times.	15 USC 1261 et seq.	Eliminate harm caused by mislabelled or misbranded hazardous and toxic material.	Consumer Product Safety Commission
Production Radiation	Radiation Control for Health and Safety Act of 1968, PL 90-602, October 18, 1968	42 USC 263b-263n	Protect the public health and safety by control of the emission of radiation from electronic products. Applies to ionizing and nonionizing radiation as well as sonic waves.	Department of Health and Human Services
National Environmental Policy	National Environmental Policy Act of 1969, PL 91-190, January 1, 1970, Amended by PL 94-83, August 9, 1975	42 USC 4321 et seq.	Establish a national policy for the environment, provide for the establishment of a Council on Environmental Quality, and for other purposes.	Council on Environmental Quality All agencies of the Executive Branch
Occupational Safety and Health	Occupational Safety and Health Act of 1970, PL 91-596, December 29, 1970	29 USC 1331 et seq.	Preserve human resources by providing every working man and woman with a safe and healthful working environment.	Occupational Safety and Health Administration National Institute for Occupational Safety and Health

TABLE 1 continued

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organization
Consumer Product Safety	Consumer Product Safety Act of 1972, PL 92-573, October 27, 1972, Amended by PL 95-284, May 11, 1976; PL 95-631, November 10, 1978	15 USC 2051 et seq.	Protect the public against unreasonable risks of injury associated with consumer products and promote uniform product safety standards.	Consumer Product Safety Commission
Endangered Species	Endangered Species Act of 1973, PL 93-205, December 28, 1973, Amended by PL 94-359, July 12, 1976; PL 95-632, November 10, 1978	16 USC 1531 et seq.	Conservation of endangered species and threatened species, as well as ecosystems containing such species. Includes fish, wildlife, and plants in the United States.	Department of the Interior Department of Commerce Department of Agriculture
Toxic Substances Control	Toxic Substances Control Act of 1976, PL 94-496, October 11, 1976	15 USC 2601 et seq.	Protect human health and the environment by requiring testing and necessary use restrictions on certain chemical substances.	Environmental Protection Agency
Interagency Regulatory Liaison Group	Interagency Agreement on Regulation of Toxic and Hazardous Substances, October 11, 1977	42 Fed. Reg. 54856 (1977) 44 Fed. Reg. 29822 (1979)	Make most efficient use of resources, achieve consistent regulatory policy, and improve the protection of public health and environment.	Environmental Protection Agency Occupational Safety and Health Administration Consumer Product Safety Commission Department of Agriculture
Common Law of Nuisance	Traditional, non-statutory Common Law of Nuisance	See Rice, D.A. 1977. Pollution as a Nuisance: Problems, Prospects, and Proposals. In: Toxic Torts, p. 342.	Relief for those claiming injury.	U.S. Courts

TABLE 2
Clean Air and Energy Legislative Acts

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organizations
Clean Air	Clean Air Act of 1955, PL 84-159, July 14, 1955, Amended numerous times, including by PL 95-95, August 7, 1977	42 USC 7401 et seq.	Protect and enhance the Nation's air quality, so as to promote the public health and welfare and the productive capacity of its population.	Environmental Protection Agency Nuclear Regulatory Commission (regarding radioactive air pollutants)

TABLE 2 continued

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organizations
Energy/ Environment	Energy Supply and Environmental Co-ordination Act of 1974, PL 93-319, June 22, 1974, Amended by PL 94-163, December 22, 1975; PL 95-70, July 21, 1977	15 USC 791 et seq.	Provide means of dealing with energy shortages by requiring reports on energy resources, by providing temporary suspension of certain air pollution requirements, by providing for coal conservation, and for other purposes.	Department of Energy Environmental Protection Agency
National Energy	National Energy Conservation Policy Act of 1978, PL 95-619, November 9, 1978	42 USC 8201 et seq.; see also 92 Stat. 3209	Reduce the growth in energy demand in the United States, and conserve nonrenewable energy resources, without inhibiting beneficial economic growth.	Department of Energy
Powerplant and Industrial Fuel	Powerplant and Industrial Fuel Use Act of 1978, PL 95-620, November 9, 1978	42 USC 8301 et seq.; see also 92 Stat. 3289	Reduce importation of petroleum and conserve natural gas and petroleum by encouraging use of coal and synthetic gas in place of natural gas and petroleum at electric power-plants and major fuel-burning installations.	Department of Energy

TABLE 3
Water Quality Legislative Acts

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organizations
Protection of Navigable Waters and Refuse Act	Protection of Navigable Waters Act of 1886, Amended a number of times, includ-ing by PL 92-500, October 18, 1972. The 1972 amendment includes the River and Harbor Appro-priation Act of 1899.	33 USC 403 et seq.	Protect navigable waters.	Army Corps of Engineers
Outer Continental Shelf Lands	Outer Continental Shelf Lands Act of 1953, PL 82-212, August 7, 1953, Amended by PL 93-627, January 3, 1975; PL 95-372, September 18, 1978	43 USC 1331 et seq.	Assert U.S. ownership and jurisdiction over minerals in and under the Continental Shelf, and license and regulate the extraction of minerals from the outer Continental Shelf.	Department of the Interior Coast Guard Environmental Protection Agency
Pollution of the Sea by Oil	Oil Pollution Act of 1961, PL 87-167, August 30, 1961, Amended by PL 93-119, October 4, 1973	33 USC 1001 et seq.	Regulate the discharge of oil into the sea by ships and tankers. Act was adopted as part of the International Convention for the Preven-tion of the Pollution of the Sea by Oil, 1954, as amended.	Coast Guard

TABLE 3 continued

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organizations
River and Harbor and Flood Control Act	River and Harbor and Flood Control Act of 1970, PL 91-611, December 31, 1970	33 USC 569a and others	Authorize the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and other purposes.	Army Corps of Engineers
Ports and Waterways Safety Program	Ports and Waterways Safety Act of 1972, PL 92-340, July 10, 1972	33 USC 1221 et seq.	Protect bridges and vessels from loss or destruction, and protect navigable waters and resources therein from environmental harm resulting from the destruction of any vessel, bridge, or other structure.	Coast Guard
Clean Water	Federal Water Pollution Control Act of 1972, PL 92-500, October 18, 1972, Amended by PL 95-217, December 27, 1977	33 USC 1251 et seq.	Restore and maintain the chemical, physical, and biological integrity of the Nation's waters.	Environmental Protection Agency Army Corps of Engineers
Ocean Dumping	Marine Protection, Research, and Sanctuaries Act of 1972 (Permits), PL 92-532, October 23, 1972, Amended numerous times	33 USC 1401 et seq.	Regulate dumping into ocean waters of all types of materials and prevent or strictly limit the dumping of any material which adversely affects human health and welfare or marine environment and ecological well-being.	Environmental Protection Agency Army Corps of Engineers Coast Guard
Marine Protection, Research, and Sanctuaries	Marine Protection, Research, and Sanctuaries Act of 1972 (Research), PL 92-532, October 23, 1972, Amended numerous times	33 USC 1441 et seq.; see also 16 USC 1432	Implement comprehensive program of monitoring and research regarding effects of pollution, over-fishing, and other disturbances to oceans, coastal waters, and the Great Lakes.	Department of Commerce Coast Guard
Deepwater Ports	Deepwater Port Act of 1974, PL 93-627, January 3, 1975	33 USC 1501 et seq.	Authorize and regulate the construction, location, and operation of deepwater ports in waters beyond the territorial limits of the U.S., and protect the marine and coastal environment from adverse impact due to the development and operation of such ports.	Department of Transportation Environmental Protection Agency
Intervention on the High Seas	Intervention on the High Seas Act of 1974, PL 93-248, February 5, 1974	33 USC 1471 et seq.	Prevent, mitigate, or eliminate grave or imminent dangers by oil to the U.S. coastline or other interests caused by damages or threats of damage to ships.	Coast Guard
Water Resources Development	Water Resources Development Act of 1974, PL 93-251, March 7, 1974	42 USC 1962d and others	Authorize the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and other purposes.	Water Resources Council Bureau of Reclamation Army Corps of Engineers Department of Agriculture Environmental Protection Agency Tennessee Valley Authority

TABLE 3 continued

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organizations
Safe Drinking Water Act	Safety of Public Water Systems Act, of 1974, PL 93-523, December 16, 1974, Amended by PL 95-190, November 16, 1977	42 USC 300f et seq.	Provide safe drinking water by requiring adequate treatment of public water supply systems.	Environmental Protection Agency
Fishery Conservation and Management	Fishery Conservation and Management Act of 1976, PL 94-265, April 13, 1976	16 USC 1801 et seq.	Provide for the conservation and management of fisheries, and for other purposes.	Department of State Coast Guard Department of Transportation Environmental Protection Agency

TABLE 4
Land Protection Legislative Acts

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organizations
Transportation of Hazardous Materials, Including Radioactive Substances	Interstate Commerce Act of 1948, PL 80-583, June 2, 1948, Amended by PL 86-710, September 6, 1960; PL 89-95, July 27, 1965	18 USC 831 et seq.	Protect public safety by restricting or prohibiting transportation of explosives, disease-causing agents, or radioactive substances within the U.S.	Interstate Commerce Commission
Environmental Safeguards on Activities for Animal Damage Control on Federal Lands	Executive Order 11643, February 8, 1972, 37 Fed. Reg. 2875, Amended by Executive Order 11870, July 18, 1975, 40 Fed. Reg. 30611. Amended by Executive Order 11917, May 28, 1976, 41 Fed. Reg. 22239	42 USC 4321	Regulate the use of chemical toxicants in federal predator control programs so as to protect non-target wildlife and human health and safety from secondary poisoning effects (i.e., poisoning due to the ingestion of the tissue of an animal or bird which itself was exposed to or ingested the toxicant).	All agencies in the Executive Branch
Federal Insecticide, Fungicide, and Rodenticide Control	Federal Environmental Pesticide Control Act of 1972, PL 92-516, October 21, 1972, Amended by PL 94-140, November 28, 1975; PL 95-396, September 30, 1978	7 USC 136-136y	Regulate and register all pesticides and pesticide formulas and the labeling of all pesticides.	Environmental Protection Agency
Hazardous Materials Transportation	Hazardous Materials Transportation Act of 1974, PL 93-633, January 3, 1975, Amended by PL 94-474, October 11, 1976	49 USC 1801 et seq.	Protect the public against risks to life and property which are inherent in the transportation of hazardous materials in commerce.	Department of Transportation

TABLE 4 continued

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organizations
Resource Conservation and Recovery	Resource Conservation and Recovery Act of 1976, PL 94-580, October 21, 1976 (Amends the Solid Waste Disposal Act), Amended by PL 95-609, November 8, 1978	42 USC 6901 et seq.	Provide technical and financial assistance for the development of management plans and facilities for the recovery of energy and other resources from discarded materials and for the safe disposal of discarded materials and regulate the management of hazardous wastes.	Environmental Protection Agency
Surface Mining Control and Reclamation	Surface Mining Control and Reclamation Act of 1977, PL 95-87, August 3, 1977	30 USC 1201 et seq.	Establish a nationwide program to protect society and the environment from adverse effects of surface coal mining operations.	Department of the Interior Environmental Protection Agency
Soil and Water Resources Conservation	Soil and Water Resources Conservation Act of 1977, PL 95-192, November 18, 1977	16 USC 2001 et seq.	Promote the conservation, protection, and enhancement of the Nation's soil, water, and related resources for sustained use.	Department of Agriculture
Uranium Tailings Control Act	Uranium Mill Tailings Radiation Control Act of 1978, PL 95-604, November 8, 1978	42 USC 7901 et seq., and others	Stabilization and control of uranium or thorium tailings in a safe and environmentally sound manner, so as to minimize or eliminate radiation health hazards to the public.	Department of Energy Nuclear Regulatory Commission Environmental Protection Agency

TABLE 5
Noise Pollution Legislative Acts

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organizations
Federal Aviation Act	Federal Aviation Act of 1958, PL 85-726, August 23, 1958, Amended by PL 92-574, October 27, 1972	49 USC 1431	Afford present and future relief and protection to the public health and welfare from aircraft noise and sonic booms.	Environmental Protection Agency Department of Transportation
Airport and Airways Development	Airport and Airways Development Act of 1970, PL 91-258, May 21, 1970, Amended by PL 94-353, July 12, 1976	49 USC 1344 and others	Provide for the expansion and improvement of the Nation's airport and airways system.	Environmental Protection Agency Department of Transportation
Highway Noise Level Standards	Federal-Aid Highway Act of 1970, PL 91-605, December 31, 1970	23 USC 109	Protect the public health and safety on federal-aid highways, and other purposes.	Department of Transportation
Noise Act	Noise Control Act of 1972, PL 92-574, October 27, 1972, Amended by PL 94-301, May 31, 1976; PL 95-609, November 8, 1978	42 USC 4901 et seq., and others	Control the emission of noise detrimental to the human environment, and for other purposes.	Environmental Protection Agency Department of Transportation

TABLE 6
Food Safety and Quality Legislative Acts

Act	Official Title and Dates	U.S. Code	Purpose of Act	Primary Responsible Federal Organizations
Food and Drug	Federal Food, Drug, and Cosmetic Act of 1938, PL 75-717, June 25, 1938, Amended numerous times	21 USC 301 et seq.	Protect consumers from dangerous products by regulating the movement of these products in interstate commerce.	Department of Health and Human Services Environmental Protection Agency
Lead-Based Paint Poisoning Prevention	Lead-Based Paint Poisoning Prevention Act of 1971, PL 91-695, January 13, 1971, Amended by PL 95-626, November 10, 1978	42 USC 247a	Eliminate the causes of lead-based paint poisoning and detect and treat incidences of such poisoning.	Department of Health and Human Services
Acts Relating to Food Safety and Quality Service	Federal Meat Inspection Act of 1907, Agriculture Marketing Act of 1946, Poultry Products Inspection Acts of 1957, 1962, 1968, Egg Production Inspection Act of 1970		Provide standardization, inspection and grading of agriculture products.	Department of Agriculture